



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
1333 ISAAC HULL AVENUE
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00A5/DON-NAVY-2017-007865F

July 3, 2017

Ms. Brenda Banghart
A Pak Solutions
48 Fieldstone Way
Newman, GA 30265

SUBJECT: YOUR FREEDOM OF INFORMATION ACT CASE DON-NAVY 2017-007865

Dear Ms. Banghart:

This is acknowledges receipt and is a final response to your June 26, 2017, Freedom of Information Act (FOIA) request which you indicate you were informed to obtain the drawings to respond to the solicitation as described in your request attached.

A thorough search of this Headquarters files was conducted, specifically those files located within the Acquisition and Commonality Directorate (SEA 06). Knowledgeable personnel with that office researched and reviewed the requested information the Navy Ships Engineering Drawing Repository (NSED) and determined that based on the Distribution D markings, it cannot be released to the public under the FOIA.

Since the drawings are not for public release, the only process available for you to obtain a copy of the drawings would be to contact Mr. Justin Hankley directly to acquire any information needed to submit a proposal in response to a solicitation.

I considered your request under the FOIA, 5 U.S.C. 552, as amended, and Secretary of the Navy Instruction 5720.42F. While it is noted that this type of data has been routinely released to you in the past under the FOIA, the source of the technical data has changed and is now identified as "Distribution D." As such, I am denying the release of this data under exemption (b)(3). Exemption 3 requires the withholding of information prohibited from disclosure by another statute provided that the statute "(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue or (B) establishes a particular criteria for withholding or refers to particular types of matters to be withheld."

10 U.S.C. 130 and the Department of Defense (DoD) implementing directive, DoD Directive 5230.25, prohibit the disclosure of technical data with military or space application in the possession of, or under the control of, the Department of Defense, if such data may not be exported lawfully outside the United States with an approval, authorization, or license under the Arms Export Control Act. 10 U.S.C. § 130 is an exemption 3 statute.

Since the data you have requested is now prohibited from public disclosure for the reasons stated above, I am denying your request.

I am the official responsible for this decision. You may submit a written administrative appeal of my decision. Should you decide to file an appeal, it must be received within 90 calendar days from the date of this letter and should contain a copy of your original requests, a copy of this letter, and a statement indicating why you think your appeal should be granted. Attach a copy of this letter to the appeal and mark the appeal and the envelope, "Freedom of Information Act Appeal." Mail the original to the Department of the Navy, Office of the General Counsel, Attn: FOIA APPEALS, 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Please mail a copy of the appeal to:

Commander
Naval Sea Systems Command (SEA 00A5)
1333 Isaac Hull Ave SE
Washington Navy Yard, DC 20376-1021

As an alternative to filing an appeal, you may seek Alternate Dispute Resolution (ADR). You may submit your request for ADR either to DONFOIA-PA@navy.mil or you can call the Navy FOIA Service Center at 202-685-0214 or via the following address:

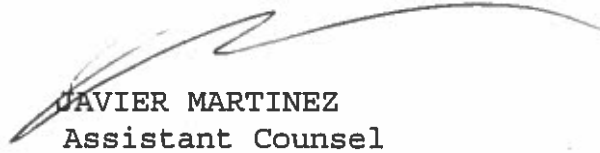
Chief of Naval Operations (DNS-36)
Attn: FOIA/PA Service Center
C/O - Head, SECNAV/CNO FOIA/PA Program Office
2000 Navy Pentagon
Washington, DC 20350-2000

If you have any questions concerning the processing of your request, please contact Ms. Ginger Dolan, at 202-781-3359.

Fees for processing your request were below the threshold for requiring payment; however, fees are assessed on a case-by-case basis and you may be charged fees on future requests.

If you have any questions concerning the processing of your request, please contact Ms. Ginger Dolan, at 202-781-3359.

Sincerely,



DAVIER MARTINEZ
Assistant Counsel

Request Details
Request Type : FOIA

Status : Assignment Determination **Due Date : 07/25/2017**

5



Request Details

Tracking Number : DON-NAVY-2017-007865	Submitted Date : 06/26/2017
Requester : Brenda Banghart	Perfected Date : 06/26/2017
Organization : A Pak Solutions	Last Assigned Date : 06/26/2017
Requester Has Account : No	Fee Limit : \$0.01
Email Address : brenda.banghart@outlook.com	Request Track : Complex
Phone Number : 425-443-5982	Due Date : 07/25/2017
Fax Number : N/A	Assigned To : Ginger Dolan (Naval Sea Systems Command Headquarters - Washington, DC)
Address : 48 Fieldstone Way	Last Assigned By : Ginger Dolan (Naval Sea Systems Command Headquarters - Washington, DC)
City : Newman	
State/Province : GA	
Zip Code/Postal Code : 30265	

Submission Details

Case File

Admin Cost

Assigned Tasks

Comments (0)

Review

Request Handling

Requester Info Available to the Public : <input type="text" value="No"/>	Request Perfected : Yes
Request Track : <input type="text" value="Complex"/>	Perfected Date : 06/26/2017
Fee Category : <input type="text" value="Commercial"/>	Appellate Authority : <input type="text" value="OJAG14"/>
Fee Waiver Requested: No	Acknowledgement Sent Date: <input type="text"/>
Fee Waiver Status: N/A	Unusual Circumstances ? : No
Expedited Processing Requested: No	5 Day Notifications: <input type="checkbox"/>
Expedited Processing Status : N/A	Litigation : <input type="text" value="No"/>

Request Description

Short Description :

I have 3 MFG's preparing quotes for this SOL, but I also have a MFG I would like to prepare a competitive quote. That MFG, SpecSys (CAGE 34PZ9), does not have the drawings. They are JCP Certified and so is my company, A Pak Solutions (CAGE 5WYE0). The specific drawings we need are: Drawing 167-8395322 A007, A011, A012, A014, A023, and A024.

Description Available to the Public :

Has Description Been Modified? ☐

Additional Information

Case # :	<input type="text" value="2017F000220"/>
Name of Local Command :	<input type="text"/>
Contract/Sol.# :	<input type="text"/>
Limit Request To Clearly Releasable Info :	<input type="text" value="Select Limit Request To Clearly Releasable Info"/>

Attached Supporting Files

Attached Supporting Files

No supporting files have been added.

Upload Supporting Files

No attachments have been added.